

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

EVELYN PEREZ,

Plaintiff,

v.

Case No: 5:19-cv-661-Oc-30PRL

LAKE COUNTY ROWING
ASSOCIATION and THE CITY OF
CLERMONT, FLORIDA,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Dkt. 48) and Defendant Lake County Rowing Association's Objections to the Report and Recommendation (Dkt. 52).

After careful consideration of the Report and Recommendation of the Magistrate Judge, Defendant Lake County Rowing Association's Objections, and in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

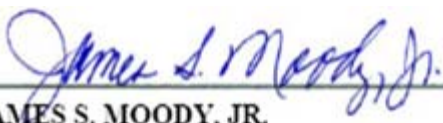
Specifically, the Court agrees with the Magistrate Judge's conclusion that the crossclaim the City filed against LCRA seeking indemnification pursuant to the Management Agreement between the City and LCRA were timely filed. The Court also agrees that LCRA's argument about the applicability of the indemnification clause is

premature. As the Magistrate Judge aptly noted, the City could have a claim for indemnification against LCRA for the costs it incurred in defending this action if it is ultimately determined that only LCRA violated its duty under the ADA.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. 48) of the Magistrate Judge is adopted, confirmed, and approved in all respects, and is made a part of this Order for all purposes, including appellate review.
2. Plaintiff's Motion to Dismiss the City of Clermont's Crossclaim against Lake County Rowing Association (Dkt. 31) is denied.
3. Defendant Lake County Rowing Association's Motion to Dismiss the City of Clermont's Crossclaim against Lake County Rowing Association (Dkt. 35) is denied.
4. Defendant Lake County Rowing Association shall file its answer to the crossclaim within fourteen (14) days of this Order.

DONE and **ORDERED** in Tampa, Florida, this 15th day of October, 2020.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record